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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

| EXAMINER |
|---|
| TERMANINI, SAMIR |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *04 August 2008*.
2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-48* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-48* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *31 July 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All  b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

# DETAILED ACTION

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## BACKGROUND

1.      This Final Office Action is responsive to the following communications: Request for Continued Examination (R.C.E.) filed on 8/4/2008.

2.      Claims 1-48 are pending. Claims 1, 10, 20, 30 and 40 are independent in form. Claims 1, 20, 30 and 40 are currently amended.

## RESPONSE TO AMENDMENT

3.      Arguments (filed on 8/4/2008) concerning the Examiner's Rejections of claims 1-48 made under 35 U.S.C. §102(e) in the previous Office Action (Mail dated: 5/1/2007) have been fully considered but not persuasive. The rejections are being maintained.

## CLAIM REJECTIONS-35 U.S.C. §102

4.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless-(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.      **Claims 1-48** are rejected under 35 U.S.C. 102(b) as being anticipated by Peter *Vale* (PG-Publication 2002/0041291. hereinafter *"Vale"*).

As to independent claim 1, Vale describe(s): a method for selecting a file from a file list ("...list...," para. [0006])., the method comprising: in response to an opening of the file list by a user ("...user...," para. [0033]), determining if there was a file previously selected by the user from the file list before the opening of the file list (".... Depending on the selected interactive element, input received while in edit mode may be used by the interactive element (e.g., entering characters into a textbox) or may cause a return to navigation mode (e.g., so that another interactive element may be selected). ...," para. [0049]); if it is determined that there was a file previously selected by the user from the file list before the opening of the file list (e.g., "... list ...," para. [0049]), automatically determining if there is a next file listed relative to the previously selected file in the file list ("...if no interactive element has been previously selected...," para. [0058]); and if it is determined that there is a next file listed relative to the previously selected file in the file list ("...an interactive element based on the received direction input relative to a previously selected interactive element...," para. [0058]), automatically displaying the file list with the next file highlighted ("...the display of the content in the direction of the received direction input...," para. [0058]).

As to dependent **claim 2**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 wherein the next file is listed immediately after the previously selected file in the file list ("...to a previously selected interactive element .... ," para. [00651).

As to dependent **claim 3**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 wherein the next file is listed a predetermined number of files

after the previously selected file in the file list ("...the amount of vertical separation between interactive elements ...," para. [0043]).

As to dependent **claim 4**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 wherein the next file is listed immediately before the previously selected file in the file list C... the previously selected interactive element is selected 352 .... ," para. [0041]).

As to dependent **claim 5**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 wherein the next file is listed a predetermined number of files before the previously selected file in the file list ("...element at the next vertical level in the direction of direction input 320 that is closest in the horizontal direction to the beginning of the previously selected...,"para. [0041]).

As to dependent **claim 6**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 wherein the next file is the file listed immediately to the left ("...left arrow 556...,'.' para. [0049]), right ("...right arrow 554...," para. [0049]), up ("...up...," para. [0061]), or down of the previously selected file in the file list ("...down arrow in a single line textbox...," para. [0061]).

As to dependent **claim 7**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 wherein the next file is the file listed a predetermined number of files to the left ("...left arrow 556...," para. [0049]), right ("...the horizontal direction ...," para. [0065]), up (), or down of the previously selected file in the file list ("...previous item in the list ...," para. [0049]).

As to dependent **claim 8**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 wherein the next file is the file listed immediately in front of or behind the previously selected file in the file list C... amount that Element 3 overlaps with Element 1...," para. [0043]).

As to dependent **claim 9**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 wherein the next file is the file listed a predetermined number of files in front of or behind the previously selected file in the file list ("...overlaps with ...," para. [0043]).

As to dependent **claim 10**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 wherein the next file is a file listed on an immediately preceding or following screen full of information ("...the interactive element exceeds the width of available display area...," para. [0058]).

As to dependent **claim 11**, which depends from claim 1, *Vale* further disclose(s): The method of claim l wherein the next file is the previously selected file in the file list ("...the first interactive element relative to the beginning of the content...," para. [0044]).

As to dependent **claim 12**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 further comprising the step of: if there was not a file previously selected from the file list ("...selecting...," para. [0058]), displaying the file list with a predetermined default file highlighted ("...an interactive element based on the received direction input relative to a previously selected interactive element or, if no interactive

element has been previously selected, based on the direction input relative to the beginning of the displayed content....," para. [0058]).

As to dependent **claim 13**, which depends from claim 12, *Vale* further disclose(s): The method of claim 12 wherein the predetermined default file is the first file in the file list ("...the first interactive element relative to the beginning of the content...," para. [0044]).

As to dependent **claim 14**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 further comprising the step of: if "there is not a next file listed relative to the previously selected file in the file list ("...the beginning of the previously selected interactive element is selected next...," para. [0046]), displaying the file list with a predetermined default file highlighted ("...is highlighted...," para. [0044]).

As to dependent **claim 15**, which depends from claim 14, *Vale* further disclose(s): The method of claim 14 wherein the predetermined default file is the first file in the file list ("...unless no interactive element has been selected previously, wherein the interactive element closest to the beginning of the content is selected (not shown)...," para. [0041]).

As to dependent **claim 16** which depends from claim 14, *Vale* further disclose(s): The method of claim 14 wherein the predetermined default file is the previously selected file from the file list ("...unless no interactive element has been selected previously, wherein the interactive element closest to the beginning of the content is selected...," para. [0041]).

As to dependent **claim 17**, which depends from claim 1, *Vale* further disclose(s): The method of claim 1 further comprising the step of in response to a user selecting a file from a file list ("...multiple line textbox ...;" para.. [0060]), saving the information identifying the selected file ("...An act of switching (953) from navigation mode to edit mode upon receiving an action input also may be included as part of a step from changing (950) the mode of a browsing system .... ," para. [0060]).

As to dependent **claim 18**, which depends from claim 17, *Vale* further disclose(s): The method of claim 17 wherein the saved information is the file name of the selected file,(See Fig. 4).

As to dependent **claim 19**, which depends from claim 17, *Vale* further disclose(s): The method of claim 17 wherein the saved information is an index number of the selected file in the file list ("...interactive elements in numerical order...," para. [0045]).

As to **claims 20-29**, these claims differ from claims 1-19, in that they are "means for" directed to a system for carrying out the processes of claims 1-19. Accordingly, claims 20-29 are rejected for the same reasons set forth in the treatment of claims 1-19.

As to **claims 30-36**, these claims differ from claims 1-19, in that they are directed to a system for carrying out the processes of claims 1-19. Accordingly, claims 20-29 are rejected for the same reasons set forth in the treatment of claims 1-19.

As to dependent **claim 37**, which depends from claim 30, *Vale* further disclose(s): The device of claim 30 wherein the device further comprises a mobile communication device ("...mobile/hand-held devices...," para. [0027]).

As to dependent **claim 38**, which depends from claim 30, *Vale* further disclose(s):

The device of claim 30 wherein the device further comprises a mobile telephone

("...wireless telephones...," para. [0027]). As to dependent **claim 39**, which depends from

claim 30, *Vale* further disclose(s): The device of claim 30 wherein the device further

comprises a personal digital assistant ("...personal digital assistants PDAs")...," para.

[0027]).

As to **claims 40-48**, these claims differ from Claims 1-19, in that they are

directed toward a product by process. Accordingly, claims 40-48 are rejected for the

same reasons set forth in the treatment of claims 1-19.

## RESPONSE TO ARGUMENTS

6.      Applicant arguments, see pp. 8 filed 8/4/2008, with respect to the 35

U.S.C. §102(b) Rejections cited by the Examiner in the previous Office Action1, have

been fully considered but are not persuasive. Therefore, the rejection(s) have been

maintained..

Applicant argues:

> In particular, claim 1 has been amended to describe, if it is
> determined that there is a next file listed relative to the
> previously selected file in the file list, the file list is
> automatically displayed with the next file highlighted. By
> "automatic," one skilled in the art would understand that the
> displaying of the file list with the next file highlighted occurs
> without the user having to perform any activity after the opening
> of the file list. Similar features have also been incorporated
> into independent claims 20, 30 and 40.

Applicant continues to remark:

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In other words, once the browse command is initiated, and if there
is a next file after the previously selected file, then the device
itself, and not the user, highlights the next file.
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In response to applicant's argument it is noted that the features upon which applicant relies, are taught by the Vale, ("...A step for indicating (940c) that an interactive element is selected may further include the acts of removing (942) the highlighting from a previously selected interactive element and highlighting (944c) the next selected interactive element (see also 940a of FIG. 9A). ...," para. [0065]). The computer is highlighting the next selected interactive element, not the user.

## CONCLUSION

7.      All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

8.      Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit
/Samir Termanini/                        2178
Examiner, Art Unit 2178